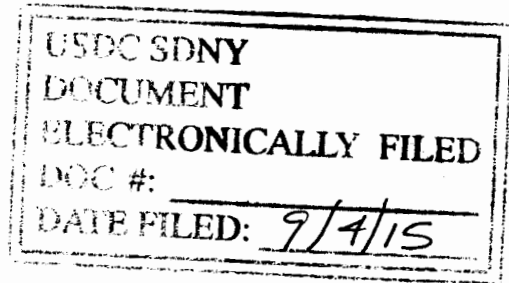


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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:   
IN RE: METHYL TERTIARY BUTYL :  
ETHER ("MTBE") PRODUCTS :  
LIABILITY LITIGATION :  
----- :

**ORDER**

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

This document relates to:

*Commonwealth of Puerto Rico, et al. v.*  
*Shell Oil Co., et al.*, 07 Civ. 10470  
----- X

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

This Order responds to Certain Defendants' Motion for  
Reconsideration of the Court's August 19, 2015 Memorandum Opinion and Order.

The standard for granting a motion for reconsideration is strict.

“[R]econsideration will generally be denied unless the moving party can point to  
controlling decisions or data that the court overlooked.”<sup>1</sup> “Reconsideration of a  
court's previous order is an ‘extraordinary remedy to be employed sparingly in the  
interests of finality and conservation of scarce judicial resources.’”<sup>2</sup> Typical  
grounds for reconsideration include “an intervening change of controlling law, the

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<sup>1</sup> *Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)).

<sup>2</sup> *Oji v. Yonkers Police Dep't*, No. 12 Civ. 8125, 2013 WL 4935588, at \*1 (S.D.N.Y. Sept. 11, 2013) (quoting *Parrish v. Sollecito*, 253 F. Supp. 2d 713, 715 (S.D.N.Y. 2003)).

availability of new evidence, or the need to correct a clear error or prevent manifest injustice.”<sup>3</sup>

Defendants’ near exclusive reliance on *Quintana Ruiz v. Hyundai Motor Corp.*, 303 F.3d 62 (1st Cir. 2002), a case that speculates about aspects of Puerto Rican law, does not present a controlling case that the Court overlooked. Indeed this Court’s August 19 Opinion directly addressed *Quintana*’s reasoning. I noted that even though plaintiffs’ lack of expert testimony means it “likely faces an uphill battle at trial. . . the testimony of defendants’ own experts and employees has triggered material factual disputes that cannot be resolved as a matter of law.”<sup>4</sup> Plaintiffs need not be likely to win at trial to survive a motion for summary judgment.

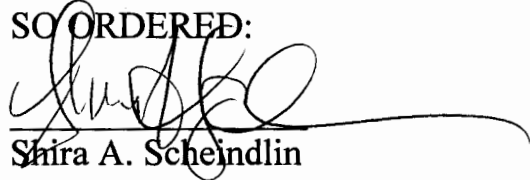
For the reasons set forth above, the motion is DENIED. The Clerk of Court is directed to close this motion (Docket #633).

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<sup>3</sup> *Virgin Atl. Airways, Ltd. v. National Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992) (quotation omitted). *Accord Shrader*, 70 F.3d at 257 (describing grounds for reconsideration as “matters, in other words, that might reasonably be expected to alter the conclusion reached by the court”).

<sup>4</sup> *In re MTBE*, No. 07 Civ. 10470, 2015 WL 4939602, at \*2 (S.D.N.Y. Aug. 19, 2015).

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
September 4, 2015

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